

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MILLER ET AL,

No. C02-02118 MJJ

Plaintiff,

ORDER TO SHOW CAUSE

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION ET AL,

Defendant.


On August 15, 2006, this Court held a hearing on Defendant IBM's Motion for Summary Judgment, which was set by Clerk's Notice dated July 26, 2006 (Doc. #639). Defense counsel was present at the hearing and prepared to argue its Motion. However, Plaintiff's lead counsel, William Mueller, failed to appear at the hearing, either personally or by phone. Plaintiff's local counsel, Byron Thompson, appeared at the hearing, but indicated that he was not prepared to argue the Motion on Plaintiff's behalf. As a result, the Court was unable to hold oral argument, and continued the hearing on Defendant's Motion.

The Court now hereby orders Mr. Mueller to show cause as to why he failed to appear at the August 15 hearing. Mr. Mueller shall file a brief, not exceeding three pages, stating why he failed to appear at the hearing and why he should not be responsible for reimbursing defense counsel for their

costs incurred in attending the hearing. Mr. Mueller shall file his brief by **5:00 p.m., PST, on Monday,**
August 21, 2006.

IT IS SO ORDERED.

Dated: 8/18/2006



MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE